UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
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ATLANTA, GEORGIA 30303-8960

June 30, 2014

Mr. Mark Lewis
Superintendent
Biscayne National Park
9700 SW 328'h Street
Homestead, FL 33033

RE: **Biscayne National Park Fishery Management Plan (FMP) and Final Environmental Impact Statement**
CEQ Number : 20140160

Dear Mr. Lewis:

Pursuant to National Environmental Policy Act (NEPA) Section 102(2)(C) and the Clean Air Act (CAA) Section 309, the U.S. Environmental Protection Agency (EPA) has reviewed the referenced Biscayne National Park Fishery Management Plan (FMP) and Final Environmental Impact Statement (FEIS). General management plans are intended to be long-term documents that establish and articulate a management philosophy and framework for decision making and problem solving in units of the national park system. General management plans usually provide guidance during a 15- to 20-year period.

Background

The Biscayne National Park (Park) is located in southeast Florida and encompasses an area of 173,000 acres (290 mi2) of which 164,000 acres (95 percent) constitute a diversity of marine habitats: sea grass meadows, hard-bottom communities, expansive coral reefs, sand and mud flats, mangrove fringes, and the water column. Within the Park are over 100 species targeted by commercial and recreational fisheries. Economically the bait shrimp fishery followed by guided sport fishing, primarily for bonefish, are the most important commercial fisheries within Biscayne Bay (Bay). Estimates are that 12 full-time guides and 36 part-time guides use the Park.

This Park has been designated by the South Atlantic Fishery Management Council (SAFMC) as Essential Fish Habitat (EFH) and a Habitat Area of Particular Concern (HAPC) for spiny lobster and coral (elkhorn and staghorn corals) and EFH for penaeid shrimp, the snapper grouper complex, and coastal pelagic fishes. The Park also provides habitat for Endangered Species Act (ESA)-listed species: smalltooth sawfish, manatees, sea turtles (loggerhead, green,

and hawksbills), bald eagles, and Acroporid corals. Additionally, most of the Bay is a lobster sanctuary.

Alternatives

The FEIS has five alternatives (one —no-action and four —action alternatives) for future fishery management under the FMP in BISC. The range of alternatives identified includes actions that could reasonably be implemented given the legal requirements under which the National Park Service operates. The no-action alternative (Alternative 1 – Maintain Status Quo) is commonly referred to as the status quo alternative, since this is what would occur if no change in specific management approaches or the type of actions the agency has taken in the past was to occur. Each of the action alternatives (Alternatives 2-5) represents differing levels of change from current regulations and management approaches, and thus would result in differing future levels of fishery resources and gear-related habitat impacts in the park (e.g., in the form of species-specific densities and mean lengths of targeted species, and of marine debris associated with commercial and recreational fishing gear). The action alternatives are structured such that each alternative provides a full description of all actions that are different from the previous alternative(s). Actions that do not differ from those in previous alternatives are listed as the same as in the previous alternative.

Alternative 4 (Rebuild and Conserve Park Fisheries Resources) results in the best and most equitable balance between conservation, enjoyment and extractive uses of BISC's fishery resources, and thus is identified as the Preferred Alternative. An Environmentally Preferred Alternative (Alternative 5) has also been identified, but it should be noted that the Environmentally Preferred Alternative is not the same as the Preferred Alternative. The Environmentally Preferred Alternative is the alternative that causes the least damage to the biological and physical environment; it also refers to the alternative that best protects, preserves, and enhances historic, cultural, and natural resources. Through identification of the environmentally preferable alternative, the NPS decision-makers and the public are clearly faced with the relative merits of choices and must clearly state through the decision-making process the values and policies used in reaching final decisions.

Each alternative addresses five essential fishery components: (1) populations of fishery targeted fish and invertebrates, (2) recreational fishing activity, (3) commercial fishing activity, (4) habitat conditions, and (5) law enforcement, education and coordination. For each component, where appropriate, desired future conditions for fishery resources or fishery-related efforts are listed, as well as management actions that would or would likely be taken to reach those conditions, and monitoring or data-collection efforts that would be necessary to determine desired future conditions have been met.

EPA Concerns and Recommendations

EPA supports Alternative 4, The NPS Preferred Alternative, however, we have concerns that Park fishery resources are stressed from regional overfishing. One of the main indicators of such fishing pressure is that large specimens have been selectively extracted such that mature,

large and fecund females are no longer providing their significant contribution to recruitment. Based on the current reduced population levels, fishery stocks must not only sustain the existing population but actually expand (restore) it back to sustainable levels.

EPA recommends the Park restores fishery stocks to sustainable levels, at a minimum. EPA's primary concern is that the varying levels of recovery presented for the alternatives, including the preferred alternative, relate back to sustainability.

To determine an appropriate metric to define a "sustainable" harvest, EPA recommends consultation with the National Marine Fishery Service (NMFS), FWS, NPS, their state counterparts such as the Florida Fish and Wildlife Conservation Commission (FWC), and the Park staff. If relevant for the commercial and/or recreational fisheries of the Park, such a metric of sustainability might be a traditional harvest level such as the Maximum Sustainable Yield (MSY) for each stressed fishery species within the Park. EPA would consider MSY as the minimum target for Park recovery. Ideally, the level of harvest could be further reduced beyond an MSY recovery to restore populations to above sustainable levels such as the Optimum Yield (OY) to increase the Park experience.

To the extent feasible, EPA recommends commitments should be made in the Record of Decision (ROD) for the implementation of fishery management measures that reach the recovery goals of each alternative presented. Moreover, the monitoring, performance measures and enforcement of the fishery management measures of the selected FMP should be further discussed in more detail in the ROD.

Green Building

In the spirit of collaboration and technical assistance the EPA recommends some sustainability concepts which could be considered in the final management plan.

Green building is the practice of creating structures and using processes that are environmentally responsible and resource-efficient throughout a building's life-cycle from design to, construction, operation, maintenance, renovation and deconstruction. This practice expands and complements the classical building design concerns of economy, utility, durability, and comfort. Green building is also known as a sustainable or high performance building.

Green buildings are designed to reduce the overall impact of the built environment on human health and the natural environment by:

- Efficiently using energy, water, and other resources
- Protecting occupant health and improving employee productivity
- Reducing waste, pollution and environmental degradation

For example, green buildings may incorporate sustainable materials in their construction (e.g., reused, recycled-content, or made from renewable resources); create healthy indoor environments with minimal pollutants (e.g., reduced product emissions); and/or feature

landscaping that reduces water usage (e.g., by using native plants that survive without extra watering).

In the United States, buildings account for:

- 39 percent of total energy use
- 12 percent of the total water consumption
- 68 percent of total electricity consumption
- 38 percent of the carbon dioxide emissions

Potential benefits of green building can include:

Environmental benefits
- Enhance and protect biodiversity and ecosystems
- Improve air and water quality
- Reduce waste streams
- Conserve and restore natural resources

Economic benefits
- Reduce operating costs
- Create, expand, and shape markets for green product and services
- Improve occupant productivity
- Optimize life-cycle economic performance

Social benefits
- Enhance occupant comfort and health
- Heighten aesthetic qualities
- Minimize strain on local infrastructure

Green Parking

Green parking refers to several techniques that when applied together reduce the contribution of parking lots to total impervious cover. From a storm water perspective, green parking techniques applied in the right combination can dramatically reduce impervious cover and, consequently, reduce the amount of storm water runoff. Green parking lot techniques include: setting minimums of permanent parking spaces; minimizing the dimensions of parking lot spaces; utilizing alternative pavers in overflow parking areas; using bioretention areas to treat storm water; encouraging shared parking.

Green parking lots can dramatically reduce the creation of new impervious cover. How much is reduced depends on the combination of techniques used to achieve the greenest parking. While the pollutant removal rates of bioretention areas have not been directly measured, their capability is considered comparable to a dry swale, which removes 91 percent of total suspended solids, 67 percent of total phosphorous, 92 percent of total nitrogen, and 80-90 percent of metals (Claytor and Schueler, 1996).

North Carolina's Fort Bragg vehicle maintenance facility parking lot is an excellent example of the benefits of rethinking parking lot design (NRDC, 1999). The redesign incorporated storm water management features, such as detention basins located within grassed islands, and an onsite drainage system that exploited existing sandy soils. The redesign reduced impervious cover by 40 percent, increased parking by 20 percent, and saved 20 percent or $1.6 million on construction costs over the original, conventional design.

Briefly three other sustainable activities which may applicable to the Park Service's general management plan are as follows:

- Green Detention Ponds
- Rain Water Harvesting
- Rain Gardens

Thank you for the opportunity to review this FEIS. EPA supports Alternative 4, The NPS Preferred Alternative, however, we have concerns that Park fishery resources are stressed from regional overfishing. We appreciate the opportunity to review the proposed action. Please contact Ken Clark of my staff at (404) 562- 8282 if you have any questions or want to discuss our comments further.

Sincerely,

Heinz J. Mueller, Chief
NEPA Program Office